

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/583,596 Confirmation No. 7113
Applicant : EVOY, David et al
Filed : June 19, 2006
TC/A.U. : To be Assigned
Examiner : To be Assigned

Docket No. : **US03 0517 US2**
Customer No. : 65913

Title: **SERIAL COMMUNICATION DEVICE CONFIGURABLE TO
OPERATE IN ROOT MODE OR ENDPOINT MODE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO CORRECT FILING RECORD FOR US NATIONAL STAGE
APPLICATION FILED UNDER 35 U.S.C. §371**

Sir:

Concurrent with the Response to the Notice of Insufficient Basic National Required and/or Missing Copy of International Application Under 35 U.S.C. 371 and 37 CFR 1.495 (hereinafter, “371 Formalities Notice”) please consider the following Petition.

Applicant, upon review of his records in searching for the corresponding International Application, notes that PCT/IB04/42718 does not exist. Thus, the record is deficient in this document and the 371 Formalities Notice indicated this. During filing of the US National Application, the incorrect International Application No. was submitted as PCT/IB2004/042718 rather than as PCT/US2004/042718. See Exhibit I of Transmittal Letter received by USPTO 19 June 2006.

Rather, the International Application was filed in the US Receiving Office (RO/US) at the USPTO on 18 December 2004. Consequently, the International Application No. should be PCT/US2004/042718. This PCT application was published ,without a search report, as WO 2005/060688 A2 on 07 July 2005.

Also during this filing, the Deposit Account Number which should have been **14-1270**, was mistyped as 14-1279; consequently, fees were not timely paid to the RO/US. Refer to Exhibit II, PCT (ANNEX – FEE CALCULATION SHEET) On 18 January

2005, the RO/US mailed back a Notification Concerning Payment of Prescribed Fees, showing a balance due of \$3561.00. Refer to Exhibit III. This Notice was overlooked and payment was not made.

Applicant requests that the record be corrected and a new filing receipt be generated. Furthermore, he asks that the accompanying papers be accepted so as to put the application in a condition for examination.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account **50-4019**.

Respectfully submitted,

Date: *18-NOV-2010*

By: /Peter Zawilski/
Peter Zawilski, Reg. No. 43,305
(408) 474-9063

Correspondence Address:

Intellectual Property & Licensing
NXP, B.V.
1109 McKay Drive; M/S-41SJ
San Jose, CA 95131 USA

CUSTOMER NO. 65913

| | | | | | |
|--|----------------|--|--|--|--------------|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | ATTORNEY'S DOCKET NO. US03 0517 US2 U. 10/583596 | |
| INTERNATIONAL APPLICATION NO. PCT/IB2004/042718 | | INTERNATIONAL FILING DATE 12/17/2004 | | PRIORITY DATE CLAIMED 12/18/2003 | |
| TITLE OF INVENTION SERIAL COMMUNICATION DEVICE CONFIGURABLE TO OPERATE IN ROOT MODE OR ENDPOINT MODE | | | | | |
| APPLICANT(S) FOR DO/EO/US EVOY, DAVID WOOD, SAM C. | | | | | |
| Applicant(s) herewith submit to the United States Designated/Elected Office (DO/EO/US) the following: | | | | | |
| 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. | | | | | |
| 2. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been transmitted by the International Bureau. | | | | | |
| 3. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> have not been made and will not be made. | | | | | |
| 4. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). | | | | | |
| The following document(s) or information are included: | | | | | |
| 5. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 | | | | | |
| 6. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included | | | | | |
| 7. <input checked="" type="checkbox"/> A preliminary amendment | | | | | |
| 8. <input checked="" type="checkbox"/> Power of Attorney to Prosecute Application before the USPTO | | | | | |
| 9. <input type="checkbox"/> Statement under 37 CFR §3.73(b) | | | | | |
| 10. <input checked="" type="checkbox"/> Authorization Pursuant to 37 CFR § 1.136(a)(3) and to Charge Deposit Account <u>14-1270</u> | | | | | |
| 11. <input checked="" type="checkbox"/> Receipt Confirmation Postcard | | | | | |
| The following fees have been submitted: | | | | CALCULATIONS | PTO USE ONLY |
| 12. <input checked="" type="checkbox"/> Basic national fee \$ 300 | | | | \$ 900 | |
| 13. <input checked="" type="checkbox"/> Examination fee (Int'l prelim. exam. report NOT prepared by USPTO)..... \$ 200 | | | | | |
| 14. <input checked="" type="checkbox"/> Search Fee (Int'l Search Report prepared and provided to the Office.) \$ 400 | | | | | |
| TOTAL OF 13, 14 and 15 = | | | | | |
| CLAIMS | # FILED | # EXTRA | RATE | \$ 0 | |
| Total claims | 20 - 20 = | 0 | X \$50 | | |
| Independent claims | 3 - 3 = | 0 | X \$200 | | |
| TOTAL FEES FOR CLAIMS = | | | | | |
| Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)) accompanied by an appropriate cover sheet (37 C.F.R. 3.28,3.31). \$40.00 per property + | | | | \$ 40 | |
| TOTAL FEES ENCLOSED = | | | | \$ 940 | |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge the above fees, as well as any additional fee which may be required, with the exception of the Base Issue Fee, or credit any overpayment to our Deposit Account No. 14-1270 . | | | | | |
| SEND ALL CORRESPONDENCE TO: PHILIPS ELECTRONICS NORTH AMERICA CORPORATION Intellectual Property & Standards 1109 McKay Drive, M/S41-SJ San Jose, California 95131 | | | USPTO CUSTOMER NO. 24738 | | |
| | | | Mike J. Ure, Reg. No. 33,089 Tel.: (408) 474-9077 | | |
| CERTIFICATE OF EXPRESS MAILING | | | | | |
| I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 is addressed to "Mail Stop PCT, Commissioner for Patents, PO Box 1450, Arlington, VA 22313," on the date indicated below. | | | | | |
| (Date) <u>6/19/06</u> | | (Signature) <u>Vilimaina Naga</u> (Name) Vilimaina Naga | | | |

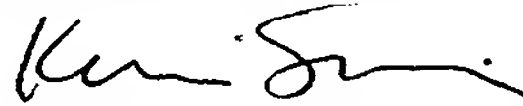
The PTO did not receive the following
listed item(s) No Assignment
document

PHUS030517WO

1/1

PCT (ANNEX - FEE CALCULATION SHEET)Original (for **SUBMISSION**)

(This sheet is not part of and does not count as a sheet of the international application)

| | | |
|--------------|--|--|
| 0 | For receiving Office use only | |
| 0-1 | International Application No. | |
| 0-2 | Date stamp of the receiving Office | |
| 0-4 | Form PCT/RO/101 (Annex) | |
| 0-4-1 | PCT Fee Calculation Sheet | PCT-SAFE [EASY mode] |
| | Prepared Using | Version 3.50 (Build 0002.163) |
| 0-9 | Applicant's or agent's file reference | PHUS030517WO |
| 2 | Applicant | KONINKLIJKE PHILIPS ELECTRONICS, N.V. |
| 12 | Calculation of prescribed fees | fee amount/multiplier Total amounts (USD) |
| 12-1 | Transmittal fee T | ⇒ 300 |
| 12-2-1 | Search fee S | ⇒ 1920 |
| 12-2-2 | International search to be carried out by | EP |
| 12-3 | International filing fee (first 30 sheets) i1 | 1134 |
| 12-4 | Remaining sheets | 24 |
| 12-5 | Additional amount (X) | 12 |
| 12-6 | Total additional amount i2 | 288 |
| 12-7 | i1 + i2 = I | 1422 |
| 12-12 | EASY Filing reduction R | -81 |
| 12-13 | Total International filing fee (i-R) I | ⇒ 1341 |
| 12-14 | Fee for priority document | |
| | Number of priority documents requested | 0 |
| 12-15 | Fee per document (X) | 20 |
| 12-16 | Total priority document fee: P | ⇒ |
| 12-17 | TOTAL FEES PAYABLE (T+S+I+P) | ⇒ 3561 |
| 12-19 | Mode of payment | authorization to charge deposit account |
| 12-20 | Deposit account instructions | |
| | The receiving Office | United States Patent and Trademark Office (USPTO) (RO/US) |
| 12-20-1 | Authorization to charge the total fees indicated above | ✓ |
| 12-20-2 | Authorization to charge any deficiency or credit any overpayment in the total fees indicated above | ✓ |
| 12-20-3 | Authorization to charge the fee for priority document | ✓ |
| 12-21 | Deposit account No. | 14-1279 |
| 12-22 | Date | 18 December 2004 (18.12.2004) |
| 12-23 | Name and signature | SIMONS, Kevin  |

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

C/O SHANNON LESTER
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CALIFORNIA 95131-1706

PCTNOTIFICATION CONCERNING PAYMENT
OF PRESCRIBED FEES

(PCT Rules 14, 15 and 16 and Administrative
Instructions, Sections 102bis(c), 304,
323(b), 707(b) and 803)

| | | |
|---|---|--|
| Date of mailing (day/month/year) | | 18 Jan 2005 |
| Applicant's or agent's file reference PHUS030517WO | | PAYMENT DUE see item 3 for time limits |
| International application No. PCT/US2004/042718 | International filing date/Date of receipt (day/month/year) 17 Dec. 2004 | Priority date (day/month/year) 18 Dec 2003 |
| Applicant KONINKLIJKE PHILIPS ELECTRONICS, N.V. | | |

1. The applicant is hereby notified that this receiving Office has received:

- ☐ the payment of all the prescribed fees, and ☐ an overpayment, which will be refunded in due course.
- ☒ no or insufficient payment of the prescribed fees and the applicant is hereby invited to pay the balance due, as summarized under item 2, within the time limit(s) indicated under item 3.

2. Fees and payment calculation:

| | | | | |
|--------------------|---|-------------|---|----------|
| 3,561.00 | - | 0.00 | = | 3,561.00 |
| Total fees payable | | Amount paid | | Balance |

- ☒ The details of the calculation are given in the Annex.

3. Time limit(s) for payment and amount(s) payable (Rules 14.1, 15.4 and 16.1(f)):

- ☒ within ONE MONTH from the date of receipt of the international application (for the transmittal fee (if any), the search fee and the international filing fee). The amount payable for each fee is the amount applicable on the date of receipt of the international application.
- ☒ within 16 MONTHS from the priority date (only for the fee for priority document). The applicant's attention is drawn to the fact that the request made by the applicant under Rule 17.1(b) will be considered not to have been made unless the fee is paid within that time limit.

4. Additional observations (if necessary):

- ☒ The search copy will not be transmitted to the International Searching Authority until the search fee is paid (therefore the start of the international search will be delayed) (Rule 23.1(a) and (b)).

| | |
|---|--|
| Name and mailing address of the receiving Office Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 Facsimile No. 703-305-3230 | Authorized officer Phyllis Williams Telephone No. 703-306-5718 |
|---|--|

**ANNEX TO FORM PCT/RO/102
CALCULATION OF THE PRESCRIBED FEES**

International application No.

PCT/US2004/042718

T Transmittal FeePrescribed amount: 300.00 **T**

Amount paid: 0.00

Balance: = 300.00

☐ correct amount
☐ overpayment
☒ balance due

S Search FeePrescribed amount: 1,920.00 **S**

Amount paid: 0.00

Balance: = 1,920.00

☐ correct amount
☐ overpayment
☒ balance due

I International Filing FeeFixed amount for first 30 sheets: 1,053.00 **i1**

$$\frac{24}{\text{Number of sheets in excess of 30}} \times \frac{12.00}{\text{Fee per sheet}} = 288.00 \text{ **i2**}$$

$$\text{Additional component: } . . . 400 \times \frac{0.00}{\text{Fee per sheet}} = 0.00 \text{ **i3**}$$

Reduction where the international application is filed
 (See *PCT Applicant's Guide, Volume I, General Part*,
 for details on the availability of this reduction):

using the PCT-EASY software: 0.00 **r**

or

in electronic form where the text of the
 description, claims and abstract is **not** in
 character coded format: 0.00 **r**

or

in electronic form where the text of the
 description, claims and abstract is in character
 coded format: 0.00 **r**

Sub-total: = 1,341.00 **i1+i2+i3-r**

Prescribed total amount (*The amount to be entered at I is the sub-total entered at (i1+i2+i3-r), except where the applicant is (or all applicants are) entitled to a reduction of 75%, in which case the amount to be entered at I is 25% of the sub-total (i1+i2+i3-r); certain applicants from certain States are entitled to a reduction of 75% of the international filing fee; see Notes to the Fee Calculation Sheet as annexed to the Request Form, PCT/RO/101, for details*): =

1,341.00 **I**

Amount paid: 0.00

Balance: = 1,341.00

☐ correct amount
☐ overpayment
☒ balance due

P Fee for Priority DocumentPrescribed amount: 0.00 **P**

Amount paid: 0.00

Balance: = 0.00

☒ correct amount
☐ overpayment
☐ balance due